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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,268	08/30/2001	Charles R. Allen	1787-11800	1011

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EXAMINER

GARBER, CHARLES D

ART UNIT	PAPER NUMBER
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2856

DATE MAILED: 09/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/944,268

Applicant(s)

ALLEN, CHARLES R. 

Examiner

Charles D Garber

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-12 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6 and 7 is/are rejected.
- 7) ☒ Claim(s) 5, 8 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 August 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-4, 6, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over admitted prior art (Admission) in view of Linden, Jr. et al. (US Patent 5,195,572).

Regarding claim 1, Admission in the specification (pages 2-4 and figure 1) teaches transducer mount 100 including a base 130, a holder sleeve 140 or first sleeve extending from the base, and a union sleeve 150 or second sleeve engaged with the holder sleeve.

The prior art lacks the first sleeve slidably engagable and removable from the second sleeve

Linden, Jr. teaches a sleeve formed of two slidably engagable parts 32 and 34 as an improvement over a sleeve formerly made as one part 10 (see figures 1 and 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to form a sleeve of two parts in order to allow separation of only a portion of the device from the machine rather than the entire device (abstract).

As for claim 2, Admission shows the base includes a top surface, at least one side surface, and a bottom surface.

As for claim 3, Admission shows slots on the base top surface with slot holes extending through the base and screws fixedly engaging the slot holes for attaching the transducer mount to a housing.

As for claim 6, a sleeve which is a thin walled cylinder is considered to inherently include an inner and outer diameter. The first and second sleeves taught above therefore include first sleeve inner diameter, and outer diameter, as well as second sleeve inner diameter, and outer diameter.

As for claim 7, the union sleeve 150 includes threads 151 for attaching an extractor tool for removing a transducer and a transducer holder from the holder sleeve 130 inner diameter.

As for claim 4, Examiner takes Official Notice that it is widely known in the art to provide slits, slots and grooves in various devices and one of ordinary skill would have

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known of their advantageous use in allowing easy separation by prying with a screwdriver.

Allowable Subject Matter

Claims 5, 8 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 10-12 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art does not disclose or suggest as in claim 5 a transducer mount comprising a base, a first sleeve extending from the base, and a removable second sleeve slidably engagable with the first sleeve; wherein the base includes a top surface, at least one side surface, and a bottom surface; wherein the base includes channels on the base top surface with channel holes extending into the base and the transducer mount further comprising retaining brackets for engagement with the channels with a first hole through a first end and a second hole through a second end of the retaining brackets, first screws for attaching the bracket first ends to the base channels, a mount cover including attachment holes, and second screws for attaching the mount cover to the retaining bracket second end.

The prior art does not disclose or suggest as in claim 8 a transducer mount comprising a base, a first sleeve extending from the base, and a removable second sleeve slidably engagable with the first sleeve; wherein the transducer mount includes

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a first sleeve inner diameter, a first sleeve outer diameter, a second sleeve inner diameter, and a second sleeve outer diameter; wherein the first sleeve outer diameter includes at least one first sleeve flat surface and the second sleeve inner diameter includes at least one second sleeve flat surface that engages the at least one first sleeve flat surface for preventing relative rotation between the first sleeve and the second sleeve.

The prior art does not disclose or suggest as in claim 9 a transducer mount comprising a base, a first sleeve extending from the base, and a removable second sleeve slidably engagable with the first sleeve; wherein the transducer mount includes a first sleeve inner diameter, a first sleeve outer diameter, a second sleeve inner diameter, and a second sleeve outer diameter; wherein the transducer mount includes a groove located on the first sleeve outer diameter and a counter bore located on a second sleeve outer face, the outer face located on an end of the second sleeve opposite the base, and the transducer mount further comprises a retaining ring that engages both the groove and counter bore for retaining the second sleeve in engagement with the first sleeve.

Claims 10 and 12 are substantively equivalent to a combination of claims 4, 5, 8 and 9, one or more of which contain allowable material and are thus allowable for the same reason.

Claim 11 depending from allowable claim 10 is allowable for the same reason.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references cited on the accompanying form PTO-892 are listed to show examples of state of the art probe mounting apparatus and methods, which share one or more features in common with the instant invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles D Garber whose telephone number is (703) 308-6062. The examiner can normally be reached on Monday to Friday, 7:00 AM-3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (703) 305-4705. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7725 for regular communications and (703) 308-7725 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4900.

cdg
September 9, 2002


HEZRON WILLIAMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800